

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEDRO SANTIAGO,

Petitioner

-against-

C. MILLER, as Superintendent of
Great Meadow Correctional
Facility,,

Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9-13-19

16 Civ 2979 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Before the Court is Mr. Santiago's "objection to the recommendation report" which the Court construes as objections to Magistrate Judge Moses' Report and Recommendation ("R&R") [dkt. no. 17].

Although it is not crystal clear what Petitioner's objections to the R&R are, he states "The factual background of this case are not the true facts of this case. I could not have done the thing the state said I did because of my heart. There is no record of my being hospital's for 3 days after the accident the day of my case." [Dkt. no. 20 at p. 1]. He further states "I ask this court to just look at what I am saying and look at the First Police Report and ask what happen from the night of this accident to 8 month later." [Id. at p. 2].

The Court construes Petitioners objection to be that the verdict was against the weight of the evidence.¹ Judge Moses, however, correctly determined that that claim had sufficient evidence to support the verdict and, even if it were not, the evidence was plainly sufficient (R&R p. 21-23).

After reviewing the Report and Recommendation, and finding Judge Moses's analysis to be correct and appropriate upon de novo review, see Fed. R. Civ. P. 72(b), the Report and Recommendation is hereby adopted in its entirety.

SO ORDERED.

Dated: New York, New York
September 12, 2019


LORETTA A. PRESKA
Senior United States District Judge

¹ The Court notes that the Magistrate Judge found that Petitioner failed to exhaust his legal sufficiency claim (R&R p. 20), and, there is no error in that finding.